

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD D. CASITY,  
Plaintiff,

v.

MONIVIRIN SON, et al.,  
Defendants.

No. 2:22-cv-1983 TLN AC P

FINDINGS AND RECOMMENDATIONS

On January 24, 2023, plaintiff was ordered to file a completed in forma pauperis affidavit, and he was given thirty days to do so. ECF No. 11. This was the third time plaintiff had been ordered to file a properly completed in forma pauperis application. See ECF Nos. 4, 8, 11. With each order, he was sent a new in forma pauperis application. See id.

The thirty-day period has now expired, and plaintiff still has not filed a properly completed in forma pauperis application, nor, in the alternative, has he paid the filing fee. Given the number of opportunities plaintiff has been given to file a proper in forma pauperis application, it appears that he is unable or unwilling to do so.

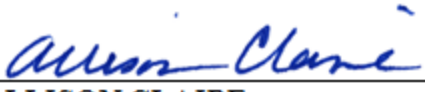
Accordingly, IT IS HEREBY RECOMMENDED that this action be DISMISSED without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days

1 after being served with these findings and recommendations, plaintiff may file written objections  
2 with the court and serve a copy on all parties. Such a document should be captioned “Objections  
3 to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file  
4 objections within the specified time may waive the right to appeal the District Court’s order.

5 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: March 7, 2023

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8 ALLISON CLAIRE  
9 UNITED STATES MAGISTRATE JUDGE  
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